

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated 8/28/01 are respectfully requested. The applicant petitions the Commissioner for revival of this application: a separate petition accompanies this amendment. Attached hereto are all pending claims including marked-up versions of changes made to the claims by the current amendment.

Status of Copending Applications

USSN 08/847,816 is currently abandoned, as noted by Examiner Wellington Chin in a Notice of Abandonment dated 9/1/98. USSN 09/631,424 and 08/847,921 are currently pending. Applicant respectfully requests the examiner to review and make of record all related applications.

Provisional Double Patenting Rejection

Claims 1-20 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as claims 1-20 of copending application USSN 08/847,921. Applicant traverses this original rejection and further notes that the claims of the '921 application were amended in an amendment filed August 20, 2002 and the claims of the current application were also changed by this Amendment. For a provisional double patenting rejection under section 101 to be sustained, the inventions claimed must be the same. That is clearly not the case in this situation, and Applicant respectfully requests that the rejection be withdrawn.

The Rejections Over Cited Art

Claims 1-12 and 16-20 were rejected under 35 U.S.C. 102(e) as being unpatentable over Wise et al. (U.S. Patent No. 5,884,262, hereinafter "Wise"). Claims 13-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Wise in view of Radziewicz et al. (U.S. Patent No. 5,854,897, hereinafter "Radziewicz").

The Cited Art

Wise et al. teaches a computer document audio access and conversion system which allows a user to access information originally formatted for audio/visual interfacing on a computer network via a simple telephone. Files formatted specifically for audio interfacing can also be accessed by the system. A user can call a designated telephone number and request a file via dual-tone multi-frequency (DTMF) signaling or through voice commands. The system analyzes the request and accesses a predetermined document. The document may be in a standard document file format, such as hyper-text mark-up language (HTML) which is used on the World Wide Web. The document is analyzed by the system, and depending on the different types of formats used in the document, information is translated from an audio/visual format to an audio format and played to the user via the telephone interface. The document may contain links to other documents which can be invoked to access such other documents. In addition, the system can have a native command capability which allows the system to act independently of the accessed document contents to replay a document or carry out functions similar to those available in conventional web browsers.

Radziewicz et al. teaches communications marketing system which allows a client station accessing a computer network through a Network Service Provider (NSP) to receive advertisements whenever the connection path between the client station and the NSP is idle. The NSP monitors traffic to/from the client station to determine when the connection path is idle. An announcement server connected to the NSP transmits advertising messages and other information to the client station when the connection path is idle. The advertisements are displayed in a predetermined location of a browser

client window of the client station. The advertisements can be played/displayed for a predetermined time period.

The Cited Art Distinguished

Independent claims 1 and 7 were rejected as being anticipated by Wise. Applicant respectfully traverses. For example, nowhere in Wise is it disclosed that a customized web browser which is customized by a plug-in to allow web-browsing with a simple telephone. The only description of a web browser in Wise, at all, in column 5, lines 29-32.

Network browser software 122 is also provided. An example of such a browser is available from Netscape Communications, Inc. under the name Netscape Navigator™.

It is therefore completely clear that only standard, uncustomized web browsers were contemplated by Wise. As such, all processing would have to occur outside of the web browser functionality, e.g. a file would have to be created for parsing, processing, etc. in a very cumbersome and inconvenient fashion.

This is completely contrary to the teachings of Applicant's invention. For example, in Fig. 8A ("Activate Netscape with Plug-In), Applicant clearly teaches a web browser customized with a plug-in 134. Of course, providing additional code to a standard web browser so that it performs the same functionality as that included in the plug-in creates literally the same or an equivalent customized web browser, as will be appreciated by those skilled in the art. Wise clearly does not teach this "customized" route, and pursues a much more awkward and less versatile approach utilizing a standard web browser layered over multiple levels of utilities and hardware boards (see Fig. 1 of Wise and compare to Fig. 8A of Applicant).

It is therefore abundantly clear that the inventions of claims 1 and 7 are clearly distinguishable over Wise. Applicant respectfully requests that the rejections of these claims be withdrawn.

With regards to independent claim 17, which is directed to the retrieval of e-mail through an ordinary telephone, Wise does not teach the calling from a user telephone through at least one publicly accessible telephone switch office to an access computer, nor providing user identification and a password to an access computer. In Applicant's invention, the user identification can be entered manually by the user, or can be detected in an automated form (e.g. caller I.D. if the subsequently entered password is a match). However, the password must be entered manually or orally by the user.

This is a distinctly different system than that disclosed by Wise. Wise is a PBX type system, where there is knowledge of the user's identity and where internal security and access to the system are not issues. This is because the telephone is provided within a secure place of business and the user, of any identity, is assumed to be an authorized user. In contrast, Applicant's invention uses any ordinary telephone utilizing the public telephone system (including at least one telephone switch office) to connect to an access computer. Since any person having access to a public telephone anywhere in the world can therefore access Applicant's access computer (as opposed to the Wise system), it is important that the functionality of user identification and use password be included in Applicant's system.

Applicant therefore believes that claim 17 is also patentable over Wise, and respectfully requests the withdrawal of the rejection.

Claim 13 was rejected as being unpatentable over Wise in view of Radziewicz. As noted by the Examiner, Wise, *inter alia*, does not teach the steps of predicting the download time for a web page and playing selected advertisement while downloading the web page. The Examiner combines Radziewicz with Wise et al. to remedy this particular inadequacy. However, Radziewicz et al. is not prior art to Applicant's invention, which has dual priority dates of May 1st and May 6th of 1996 for the subject matter in the application. The priority date of Radziewicz et al. is almost eight months later, i.e. December 27, 1996. The disclosure of Radziewicz et al. cannot therefore be used to overcome the shortcomings of the Wise et al. reference, and the rejection of the claims under 35 U.S.C. 103 should be rescinded for this reason alone.

Even if, *arguendo*, Radziewicz could be used as a prior art reference, the claims would still be patentable over its combination with Wise et al. This is because Radziewicz simply does not do what the examiner says it does. At best, Radziewicz teaches that advertisements can be played opportunistically, but there is no hit or suggestion of predicting the download time of a web page as a prelude to playing a selected advertisement. This rejection of claim 13 should therefore also be withdrawn.

Independent claims 13 and 20 are means-plus-function claims. Applicant respectfully submits that the examiner has not properly rejected these claims in that their scope has not be interpreted in view of the disclosed embodiments and their equivalents. Applicant therefore traverses the rejection under 35 U.S.C. 103 of these claims for at least the same reasons as set forth above with respect to the non-means claims, and respectfully requests the withdraw of the rejections of these independent claims.

The remaining claims are dependent, either directly or indirectly on an allowable base claim, and therefore are patentable over the cited art for at least the same reasons as set forth above with respect to their base claims. The rejections of the dependent claims should therefore also be withdrawn.

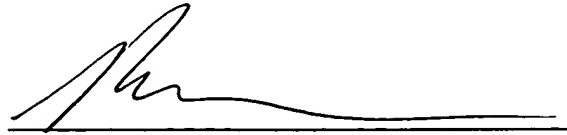
Conclusion

In view of the foregoing, the applicant submits that the claims patentably define over the prior art. A Notice of Allowance is therefore respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4300.

Respectfully submitted,
Perkins Coie LLP

Date: 10-2-02

A handwritten signature in black ink, appearing to read 'Paul L. Hickman', written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (amended) A voice web browser system comprising:

a telephone;

an access system coupled to a TCP/IP network, said TCP/IP network comprising a plurality of nodes, said TCP/IP network providing access to web pages stored on computer systems coupled to said TCP/IP network, said web pages, comprising HTML code that can be transmitted via TCP/IP packets to said access system over said TCP/IP network, said access system being able to receive said TCP/IP packets and to parse said HTML code into text and non-text portions, said access system utilizing the functionality of a customized web browser which is customized by a plug-in to navigate among said web pages;

a telephone system coupling said telephone to said access system for interactive communication with said access system; and

a text-to-speech system associated with said access system for reading at least some of said text to a user of said telephone.

2. A voice web browser system as recited in claim 1 wherein said telephone is a touch-tone telephone, and wherein said access system can be provided with commands in the form of DTMF signals.

3. A voice web browser system as recited in claim 1 further comprising a speech recognition system responsive to spoken commands from said telephone user and operative to provide operational commands to said access system.

4. A voice web browser system as recited in claim 1 wherein said access system consists of a unitary computer system.

5. A voice web browser system as recited in claim 1 wherein said access system comprises an interface computer system coupled to said telephone user by said telephone system, and a server system coupling said interface computer system to said TCP/IP network.

6. A voice web browser as recited in claim 1 wherein said access system is responsive to commands from said telephone user for navigating both within a web page and between web pages of said TCP/IP network.

7. (amended). A computer implemented process for obtaining web page information over a TCP/IP network comprising:

implementing a connection of a telephone user to an access system that is coupled to a TCP/IP network;

detecting a selection of at least one navigation command by said telephone user to access a web page accessible over said TCP/IP network; and

navigating utilizing the functionality of a customized web browser which is customized by a plug-in over said TCP/IP network to said web page in response to said navigation command, resulting in a verbal communication of at least some information derivable from said web page to said telephone user.

8. A computer implemented process as recited in claim 7 further comprising making an initial verbal contact with said telephone user after implementing a connection.

9. A computer implemented process as recited in claim 8 wherein said initial verbal contact includes providing a plurality of options to the telephone user.

10. A computer implemented process as recited in claim 9 wherein said plurality of options includes navigating the TCP/IP network and the sending or receiving of e-mail.

11. A computer implemented process as recited in claim 10 wherein said plurality of options further includes creating a web page on said TCP/IP network.

12. A computer readable media encoded with the computer implemented process of claim 7.

13. A voice web browser comprising:

- connection means for implementing a connection of a telephone user to an access system that is coupled to a TCP/IP network;
- means for detecting a selection of at least one navigation command by said telephone user to access a web page accessible over said TCP/IP network; and
- means for navigating utilizing the functionality of a customized web browser over said TCP/IP network to said web page in, response to said navigation command, resulting in a verbal communication of at least some information derivable from said web page to said telephone user;
- means for estimating a download time for said web page;
- means for selecting at least one advertisement based on the estimated download time; and
- means for playing said selected advertisements with downloading said web page.

14. A voice web browser as recited in claim 13 further comprising means for making an initial verbal contact with said telephone user after implementing a connection.

15. A voice web browser as recited in claim 13 wherein said means for making an initial verbal contact includes means for providing a plurality of options to the telephone user.

16. A voice web browser as recited in claim 12 further comprising means for creating a web page accessible via said TCP/IP network.

17. (amended) A method for retrieving e-mail that was sent over a TCP/IP network comprising:

calling from a user telephone through at least one publicly accessible telephone switch office to an access computer coupled to a TCP/IP network;

providing user identification and a password to said access computer;

retrieving e-mail via said access computer that was sent over said TCP/IP network and addressed to said user; and

reading said e-mail to said user of said user telephone utilizing a text-to-speech system.

18. A method for retrieving e-mail as recited in claim 17 further comprising providing at least one command to said access computer via a DTMF signal developed by said user telephone.

19. A computer readable media encoded with software instructions and data to implement the method of claim 17.

20. A system for retrieving e-mail that was sent over a TCP/IP network comprising:

an access computer means coupled to a TCP/IP network, said access computer means being accessible by a user via a user telephone;

means for providing user identification to said access computer means;

means for retrieving e-mail via said access computer means that was sent over said TCP/IP network and addressed to said user; and

means for reading said e-mail to said user of said user telephone.